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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**
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9 OUTERBRIDGE ACCESS
10 ASSOCIATION, SUING ON BEHALF OF
11 DIANE CROSS; and DIANE CROSS, an
individual,

Plaintiff,

12 vs.

13 MARIE CALLENDER'S PIE SHOPS,
14 INC. d.b.a. MARIE CALLENDER'S #254,
et al.

15 Defendants.
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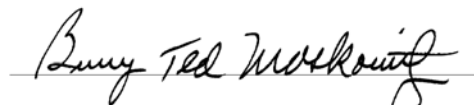
CASE NO. 07cv2129 BTM(AJB)

**ORDER GRANTING MOTION TO
AMEND COMPLAINT AND
DENYING MOTION TO DISMISS AS
MOOT**

17 Defendants Courtyard Holdings, LP and Marie Callender's Pie Shops, Inc. have filed
18 notices of non-opposition to Plaintiff's motion to file a First Amended Complaint. Defendant
19 Pacific Bagels, LLC did not file an opposition. Therefore, Plaintiff's motion is **GRANTED**.
20 Plaintiff shall file the First Amended Complaint on or before **January 18, 2008**. Defendant's
21 motion to dismiss the original Complaint is **DENIED AS MOOT**. Defendant may reassert
22 any arguments for dismissal that apply to the amended complaint in a new motion to dismiss.
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24 **IT IS SO ORDERED.**

25 DATED: January 14, 2008

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27 Honorable Barry Ted Moskowitz
28 United States District Judge